



Appeal Decision

Site visit made on 29 July 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/N5090/W/19/3229137

24 Station Road, Hendon, London NW4 4PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kashyap Varsani against the decision of Barnet London Borough Council.
 - The application Ref: 18/6009/FUL, dated 8 October 2018, was refused by notice dated 3 December 2019.
 - The development proposed is conversion of existing dwelling house into 2 no. self-contained flats.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on the living conditions of the future occupiers of the self-contained flats with regard to internal living space and daylight.

Reasons for the Recommendation

4. The existing kitchen on the ground floor has a window in front of the sink and the door to the amenity space at the rear of the property is half glazed. Both glazed elements are south facing and, as such, the room would receive enough sunlight during the day through these windows. The rear of the property on the first floor is proposed to be reconfigured. The existing rear bedroom has a rooflight in it and, as such, is currently well lit by sunlight throughout the day. With the rooflight and the window at the rear of the building, the kitchen/living area on the first floor would likely have an acceptable amount of daylight for a shared living area. The proposed shared living spaces for both flats would receive enough daylight and consequently the proposed development would not have a detrimental impact on the future occupiers living conditions in this regard.
5. That said, however, the plans identify that the proposed development would create two 3-bedroom dwellings within no. 24. Supplementary Planning Document: Sustainable Design and Construction (SPD) stipulates that a single bedroom must be a minimum of 8 sqm and 12 sqm for a double bedroom. There are two

bedrooms which are smaller than 8sqm, whilst the four double bedrooms are all around 12 sqm, based on the Council's calculations. Therefore, based on the SPD the proposed development would create two 2-bedroom, 4 person dwellings.

6. Table 3.3 of the London Plan 2016 and table 2.1 of the SPD set out the minimum space standards, and for a 2 bed 4 person flat the minimum requirement is 70 sqm. The minimum space standards for a 3 bed 5 person flat is 86 sqm. Whilst there is some discrepancy between the two parties over the size of the two flats, both agree that they are somewhere between 50 and 60 sqm in size. Consequently, the proposed development would fail to meet the minimum space standards for both flats, even when the third single bedroom is not included.
7. The appellants have suggested that a condition could be attached to limit the dwellings to self-contained 1 bed flats. The plans submitted with the appeal show that the flats would have 3-bedrooms. The proposed amendment would be materially different to the scheme considered at application stage and those who should be consulted would be disadvantaged if this appeal was determined on this basis.
8. The proposed development would result in two dwellings that would fail to meet the minimum space standards required by the London Plan and the SPD. Therefore, the proposed development would be contrary to the London Plan, Policy CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) Development Plan Document, Supplementary Planning Document: Sustainable Design and Construction, Supplementary Planning Document: Residential Design Guidance and the Mayor of London Housing Supplementary Planning Guidance.

Other Matters

9. The appellants have noted that the proposed development would help the Council to meet their housing target. It is accepted that the proposed development would help meet this target. Nevertheless, the provision of two flats would make a limited contribution to meet this need and this is given limited weight in the planning balance and this would not outweigh the identified policy conflict.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR